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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TROY C. KUYKENDALL,)	
Plaintiff,)	CIVIL NO. 07-3689 NJV
v.)	
MICHAEL J. ASTRUE,)	STIPULATION AND ORDER AWARDING
Commissioner of Social Security,)	ATTORNEY'S FEES UNDER THE EQUAL
Defendant.)	ACCESS TO JUSTICE ACT (28 U.S.C. § 2412(d))

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff's attorney, as Plaintiff's assignee, be awarded attorney fees under the Equal Access to Justice Act in the amount of THREE-THOUSAND DOLLARS AND NO CENTS (\$3,000.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action for services performed before the district court in accordance with 28 U.S.C. §§ 1920 and 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment in the aforementioned sum of THREE-THOUSAND DOLLARS AND NO CENTS (\$3,000.00) under EAJA shall constitute a complete release from and bar to any and all claims, rights, causes of action, liens or subrogated interests relating to attorneys fees and costs incurred in

1 this action under EAJA.

2 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's
3 counsel from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject to
4 the offset provisions of the law.

5 Respectfully submitted,

6 Dated: October 29, 2008

7 /s/ Richard Zieman
8 (As authorized via facsimile)
RICHARD ZIEMAN
Attorney for Plaintiff

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10 Dated: October 29, 2008

11 JOSEPH P. RUSSONIELLO
12 United States Attorney
LUCILLE GONZALÉS MEIS
Regional Chief Counsel, Region IX
Social Security Administration

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14 /s/ Jaime L. Preciado
JAIME L. PRECIADO

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16 IT IS SO ORDERED:

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18 Dated: 11/4/08

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21 THE HONORABLE NANDOR J. VADAS
22 United States Magistrate Judge
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